

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

SIDNEY E. SMITH III, et al., executors)	
of the Estate of Sidney E. Smith, Jr.,)	
)	
Plaintiff,)	Civil Action No. 02-264 Erie
)	
v.)	Hon. Sean J. McLaughlin
)	Hon. Susan Paradise Baxter
UNITED STATES,)	
)	
Defendant.)	

ORDER

AND NOW, this ____ day of _____, 2005, upon consideration of the United States' motion *in limine* to exclude certain theories of recovery not raised in the claim for refund, it is ORDERED that:

1. The United States' motion *in limine* is GRANTED;
2. The plaintiffs are precluded from introducing evidence or arguing to the jury to the effect that the value of 100% of the corporate stock of Erie Navigation Company should be valued at less than the \$5.2 million asserted in the claim for refund;
3. Any award to the plaintiffs shall not exceed the amount claimed in the claim for refund, together with any applicable interest, fees and costs; and
4. The Clerk of Court shall deliver conformed copies of this order to the persons listed below.

UNITED STATES DISTRICT JUDGE

COPIES TO:

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